

1  
2  
3  
4  
5  
6                   UNITED STATES DISTRICT COURT  
7                   EASTERN DISTRICT OF WASHINGTON

8 JOHN BURTON,

9                   Plaintiff,

10                  v.

11 CITY OF SPOKANE, *et al.*,

12                  Defendants.

NO. CV-06-322-RHW

13  
14                   **ORDER DENYING PLAINTIFF'S**  
15                   **MOTION FOR PROTECTIVE**  
16                   **ORDER**

17                  Before the Court is Plaintiff's Motion for a Protection Order (Ct. Rec. 102).

18                  The motion was heard without oral argument and on an expedited basis.

19                  Plaintiff is seeking a protective order from Defendant's discovery requests  
20                  that seek medical records, psychological records, and jail records. Plaintiff argues  
21                  that the requested evidence is too remote in time and the prejudicial effect of the  
22                  requested discovery outweighs the value of the inadmissible character evidence.

23                  Fed. R. Civ. P. 26(b) states:

24                  Unless otherwise limited by court order, the scope of discovery  
25                  is as follows: Parties may obtain discovery regarding any  
26                  nonprivileged matter that is relevant to any party's claim or defense . . .  
27                  For good cause, the court may order discovery of any matter relevant  
28                  to the subject matter involved in the action. Relevant information  
                need not be admissible at the trial if the discovery appears reasonably  
                calculated to lead to the discovery of admissible evidence.

29                  Fed. R. Civ. P. 26(c) provides that the Court may, for good cause, issue an  
30                  order to protect a party from annoyance, embarrassment, oppression, or undue  
31                  burden or expense. Subsection (c) also states that any motion for protective order  
32                  must include a certification that the party has in good faith conferred or attempted

1 to confer with the other party in an effort to resolve the dispute without court  
2 action. There is nothing in the record that indicates that the parties have conferred  
3 prior to Plaintiff filing his Motion for a Protection Order.

4 Moreover, Plaintiff has not shown how the information sought would lead to  
5 annoyance, embarrassment, oppression, or undue burden or expense. In lieu of  
6 providing the requested information, Defendants are asking Plaintiff to sign a  
7 release. Whether the information sought is ultimately admissible at trial has no  
8 bearing on whether the requested discovery is relevant and discoverable.

9 Accordingly, **IT IS HEREBY ORDERED:**

- 10 1. Plaintiff's Motion for a Protection Order (Ct. Rec. 102) is **DENIED**.  
11 2. Plaintiff's Motion to Expedite Hearing (Ct. Rec. 104) is **GRANTED**.

12 **IT IS SO ORDERED.** The District Court Executive is directed to enter this  
13 Order and forward copies to counsel.

14 **DATED** this 20<sup>th</sup> day of June, 2008.

15 *S/ Robert H. Whaley*

16 ROBERT H. WHALEY  
17 Chief United States District Judge

18  
19  
20  
21 Q:\CIVIL\2006\Burton\prot.ord.wpd